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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AMERANTH, INC.,

Plaintiff,

v.

PIZZA HUT, INC., PIZZA HUT OF
AMERICA, INC., DOMINO'S PIZZA, LLC,
DOMINO'S PIZZA, INC., PAPA JOHN'S
USA, INC., OPENTABLE INC., GRUBHUB,
INC., NETWAITER, LLC, TICKETMOB,
LLC, EXIT 41, LLC, QUIKORDER, INC.,
SEAMLESS NORTH AMERICA, LLC, and
O-WEB TECHNOLOGIES LTD.,

Defendant.

Case No. 3:11-cv-01810-JLS-NLS

**DEFENDANT QUIKORDER, INC.'S
AMENDED ANSWER AND
COUNTERCLAIMS TO AMERANTH,
INC.'S SECOND AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

1 Defendant QuikOrder, Inc. (“QuikOrder”) responds to the Second Amended Complaint
2 filed by Ameranth, Inc. (“Ameranth”), and states as follows:

3 **I. ANSWER**

4 **PARTIES**

5 1. QuikOrder is without knowledge or information sufficient to form a belief as to
6 the truth of the allegations in paragraph 1 and therefore denies them.

7 2. The allegations in paragraph 2 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 2 and
10 therefore denies them.

11 3. The allegations in paragraph 3 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 3 and
14 therefore denies them.

15 4. The allegations in paragraph 4 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 4 and
18 therefore denies them.

19 5. The allegations in paragraph 5 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 5 and
22 therefore denies them.

23 6. The allegations in paragraph 6 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 6 and
26 therefore denies them.

27 7. The allegations in paragraph 7 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 7 and
2 therefore denies them.

3 8. The allegations in paragraph 8 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 8 and
6 therefore denies them.

7 9. QuikOrder admits that it is an Illinois Corporation having a principle place of
8 business in Chicago, Illinois. QuikOrder denies the remaining allegations in paragraph 9.

9 10. The allegations in paragraph 10 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 10 and
12 therefore denies them.

13 11. The allegations in paragraph 11 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 11 and
16 therefore denies them.

17 **JURISDICTION AND VENUE**

18 12. QuikOrder admits that Ameranth's Second Amended Complaint purports to state
19 a claim for patent infringement.

20 13. QuikOrder admits that jurisdiction is proper in this Court pursuant to 28 U.S.C.
21 §§ 1331 and 1338(a).

22 14. QuikOrder is without knowledge or information sufficient to form a belief as to
23 the truth of the allegations in paragraph 14 and therefore denies them.

24 15. QuikOrder admits that QuikOrder is subject to personal jurisdiction in this
25 Judicial District and denies the remaining allegations in paragraph 15.

26 16. QuikOrder admits that venue is proper in this Judicial District pursuant to 28
27 U.S.C. § 1391(b) and (c) and 28 U.S.C. § 1400(b), with respect to QuikOrder. With respect to the
28 remaining defendants, QuikOrder is without knowledge or information sufficient to form a belief

as to the truth of the allegations in paragraph 16 and therefore denies them.

BACKGROUND

17. QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 17 and therefore denies them.

18. QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 18 and therefore denies them.

19. QuikOrder denies the allegations in paragraph 19.

20. QuikOrder admits that Ameranth is asserting two patents in this lawsuit, which on their face appear to be assigned to Ameranth Wireless. With respect to the remaining allegations in paragraph 20, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 20 and therefore denies them.

Count I

Patent Infringement (U.S. Pat. No. 6,384,850)

(35 U.S.C. § 271)

21. QuikOrder incorporates its responses in paragraphs 1-20 as if set forth fully herein.

22. QuikOrder admits that Exhibit A appears to be a copy of United States Patent No. 6,384,850 entitled “Information Management and Synchronous Communications System with Menu Generation” (“the ‘850 patent”) and that the document speaks for itself. QuikOrder denies the remaining allegations in paragraph 22.

23. QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 and therefore denies them.

Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘850

Patent by Defendant Pizza Hut

24. The allegations in paragraph 24 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 and therefore denies them.

1 25. The allegations in paragraph 25 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 25 and
4 therefore denies them.

5 26. The allegations in paragraph 26 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 26 and
8 therefore denies them.

9 27. The allegations in paragraph 27 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 27 and
12 therefore denies them.

13 28. The allegations in paragraph 28 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 28 and
16 therefore denies them.

17 29. The allegations in paragraph 29 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 29 and
20 therefore denies them.

21 30. The allegations in paragraph 30 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 30 and
24 therefore denies them.

25 31. The allegations in paragraph 31 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 31 and
28 therefore denies them.

38. The allegations in paragraph 38 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 38 and
2 therefore denies them.

3 39. The allegations in paragraph 39 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 39 and
6 therefore denies them.

7 40. The allegations in paragraph 40 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 40 and
10 therefore denies them.

11 41. The allegations in paragraph 41 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 41 and
14 therefore denies them.

15 42. The allegations in paragraph 42 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 42 and
18 therefore denies them.

19 43. The allegations in paragraph 43 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 43 and
22 therefore denies them.

23 44. The allegations in paragraph 44 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 44 and
26 therefore denies them.

27 45. The allegations in paragraph 45 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 45 and
2 therefore denies them.

3 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '850

4 Patent by Defendant Papa John's

5 46. The allegations in paragraph 46 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 46 and
8 therefore denies them.

9 47. The allegations in paragraph 47 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 47 and
12 therefore denies them.

13 48. The allegations in paragraph 48 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 48 and
16 therefore denies them.

17 49. The allegations in paragraph 49 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 49 and
20 therefore denies them.

21 50. The allegations in paragraph 50 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 50 and
24 therefore denies them.

25 51. The allegations in paragraph 51 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 51 and
28 therefore denies them.

1 52. The allegations in paragraph 52 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 52 and
4 therefore denies them.

5 53. The allegations in paragraph 53 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 53 and
8 therefore denies them.

9 54. The allegations in paragraph 54 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 54 and
12 therefore denies them.

13 55. The allegations in paragraph 55 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 55 and
16 therefore denies them.

17 56. The allegations in paragraph 56 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 56 and
20 therefore denies them.

21 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '850

22 Patent by Defendant OpenTable

23 57. The allegations in paragraph 57 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 57 and
26 therefore denies them.

27 58. The allegations in paragraph 58 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 58 and
2 therefore denies them.

3 59. The allegations in paragraph 59 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 59 and
6 therefore denies them.

7 60. The allegations in paragraph 60 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 60 and
10 therefore denies them.

11 61. The allegations in paragraph 61 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 61 and
14 therefore denies them.

15 62. The allegations in paragraph 62 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 62 and
18 therefore denies them.

19 63. The allegations in paragraph 63 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 63 and
22 therefore denies them.

23 64. The allegations in paragraph 64 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 64 and
26 therefore denies them.

27 65. The allegations in paragraph 65 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 65 and
2 therefore denies them.

3 66. The allegations in paragraph 66 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 66 and
6 therefore denies them.

7 67. The allegations in paragraph 67 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 67 and
10 therefore denies them.

11 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '850
12 Patent by Defendant GrubHub

13 68. The allegations in paragraph 68 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 68 and
16 therefore denies them.

17 69. The allegations in paragraph 69 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 69 and
20 therefore denies them.

21 70. The allegations in paragraph 70 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 70 and
24 therefore denies them.

25 71. The allegations in paragraph 71 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 71 and
28 therefore denies them.

1 72. The allegations in paragraph 72 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 72 and
4 therefore denies them.

5 73. The allegations in paragraph 73 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 73 and
8 therefore denies them.

9 74. The allegations in paragraph 74 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 74 and
12 therefore denies them.

13 75. The allegations in paragraph 75 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 75 and
16 therefore denies them.

17 76. The allegations in paragraph 76 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 76 and
20 therefore denies them.

21 77. The allegations in paragraph 77 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 77 and
24 therefore denies them.

25 78. The allegations in paragraph 78 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 78 and
28 therefore denies them.

Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘850
Patent by Defendant LaughStub

79. The allegations in paragraph 79 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 79 and therefore denies them.

80. The allegations in paragraph 80 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 80 and therefore denies them.

81. The allegations in paragraph 81 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 81 and therefore denies them.

82. The allegations in paragraph 82 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 82 and therefore denies them.

83. The allegations in paragraph 83 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 83 and therefore denies them.

84. The allegations in paragraph 84 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 84 and therefore denies them.

85. The allegations in paragraph 85 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 85 and
2 therefore denies them.

3 86. The allegations in paragraph 86 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 86 and
6 therefore denies them.

7 87. The allegations in paragraph 87 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 87 and
10 therefore denies them.

11 88. The allegations in paragraph 88 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 88 and
14 therefore denies them.

15 89. The allegations in paragraph 89 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 89 and
18 therefore denies them.

19 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '850
20 Patent by Defendant Exit 41

21 90. The allegations in paragraph 90 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 90 and
24 therefore denies them.

25 91. The allegations in paragraph 91 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 91 and
28 therefore denies them.

1 92. The allegations in paragraph 92 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 92 and
4 therefore denies them.

5 93. The allegations in paragraph 93 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 93 and
8 therefore denies them.

9 94. The allegations in paragraph 94 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 94 and
12 therefore denies them.

13 95. The allegations in paragraph 95 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 95 and
16 therefore denies them.

17 96. The allegations in paragraph 96 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 96 and
20 therefore denies them.

21 97. The allegations in paragraph 97 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 97 and
24 therefore denies them.

25 98. The allegations in paragraph 98 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 98 and
28 therefore denies them.

1 99. The allegations in paragraph 99 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 99 and
4 therefore denies them.

5 100. The allegations in paragraph 100 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 100 and
8 therefore denies them.

9 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘850

10 Patent by Defendant QuikOrder

11 101. QuikOrder denies the allegations in paragraph 101.

12 102. QuikOrder denies the allegations in paragraph 102.

13 103. QuikOrder denies the allegations in paragraph 103.

14 104. QuikOrder denies the allegations in paragraph 104.

15 105. QuikOrder denies the allegations in paragraph 105.

16 106. QuikOrder admits that it had knowledge of the ‘850 patent by no later than the
17 date it was served with the complaint in this action. QuikOrder denies the remaining allegations
18 in paragraph 106.

19 107. QuikOrder denies the allegations in paragraph 107.

20 108. QuikOrder denies the allegations in paragraph 108.

21 109. QuikOrder admits that it had knowledge of the ‘850 patent by no later than the
22 date it was served with the complaint in this action. QuikOrder denies the remaining allegations
23 in paragraph 109.

24 110. QuikOrder denies the allegations in paragraph 110.

25 111. QuikOrder denies the allegations in paragraph 111.

26 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘850

27 Patent by Defendant Seamless

28 112. The allegations in paragraph 112 do not appear to require an answer from

1 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
2 information sufficient to form a belief as to the truth of the allegations in paragraph 112 and
3 therefore denies them.

4 113. The allegations in paragraph 113 do not appear to require an answer from
5 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
6 information sufficient to form a belief as to the truth of the allegations in paragraph 113 and
7 therefore denies them.

8 114. The allegations in paragraph 114 do not appear to require an answer from
9 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
10 information sufficient to form a belief as to the truth of the allegations in paragraph 114 and
11 therefore denies them.

12 115. The allegations in paragraph 115 do not appear to require an answer from
13 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
14 information sufficient to form a belief as to the truth of the allegations in paragraph 115 and
15 therefore denies them.

16 116. The allegations in paragraph 116 do not appear to require an answer from
17 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
18 information sufficient to form a belief as to the truth of the allegations in paragraph 116 and
19 therefore denies them.

20 117. The allegations in paragraph 117 do not appear to require an answer from
21 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
22 information sufficient to form a belief as to the truth of the allegations in paragraph 117 and
23 therefore denies them.

24 118. The allegations in paragraph 118 do not appear to require an answer from
25 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
26 information sufficient to form a belief as to the truth of the allegations in paragraph 118 and
27 therefore denies them.

28 119. The allegations in paragraph 119 do not appear to require an answer from

1 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
 2 information sufficient to form a belief as to the truth of the allegations in paragraph 119 and
 3 therefore denies them.

4 120. The allegations in paragraph 120 do not appear to require an answer from
 5 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
 6 information sufficient to form a belief as to the truth of the allegations in paragraph 120 and
 7 therefore denies them.

8 121. The allegations in paragraph 121 do not appear to require an answer from
 9 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
 10 information sufficient to form a belief as to the truth of the allegations in paragraph 121 and
 11 therefore denies them.

12 122. The allegations in paragraph 122 do not appear to require an answer from
 13 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
 14 information sufficient to form a belief as to the truth of the allegations in paragraph 122 and
 15 therefore denies them.

16 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '850

17 Patent by Defendant Onosys

18 123. The allegations in paragraph 123 do not appear to require an answer from
 19 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
 20 information sufficient to form a belief as to the truth of the allegations in paragraph 123 and
 21 therefore denies them.

22 124. The allegations in paragraph 124 do not appear to require an answer from
 23 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
 24 information sufficient to form a belief as to the truth of the allegations in paragraph 124 and
 25 therefore denies them.

26 125. The allegations in paragraph 125 do not appear to require an answer from
 27 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
 28 information sufficient to form a belief as to the truth of the allegations in paragraph 125 and

1 therefore denies them.

2 126. The allegations in paragraph 126 do not appear to require an answer from
3 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
4 information sufficient to form a belief as to the truth of the allegations in paragraph 126 and
5 therefore denies them.

6 127. The allegations in paragraph 127 do not appear to require an answer from
7 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
8 information sufficient to form a belief as to the truth of the allegations in paragraph 127 and
9 therefore denies them.

10 128. The allegations in paragraph 128 do not appear to require an answer from
11 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
12 information sufficient to form a belief as to the truth of the allegations in paragraph 128 and
13 therefore denies them.

14 129. The allegations in paragraph 129 do not appear to require an answer from
15 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
16 information sufficient to form a belief as to the truth of the allegations in paragraph 129 and
17 therefore denies them.

18 130. The allegations in paragraph 130 do not appear to require an answer from
19 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
20 information sufficient to form a belief as to the truth of the allegations in paragraph 130 and
21 therefore denies them.

22 131. The allegations in paragraph 131 do not appear to require an answer from
23 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
24 information sufficient to form a belief as to the truth of the allegations in paragraph 131 and
25 therefore denies them.

26 132. The allegations in paragraph 132 do not appear to require an answer from
27 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
28 information sufficient to form a belief as to the truth of the allegations in paragraph 132 and

1 therefore denies them.

2 133. The allegations in paragraph 133 do not appear to require an answer from
3 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
4 information sufficient to form a belief as to the truth of the allegations in paragraph 133 and
5 therefore denies them.

6 COUNT II

7 Patent Infringement (U.S. Pat. No. 6,871,325)

8 (35 U.S.C. § 271)

9 134. QuikOrder reiterates and reincorporates its responses set forth in paragraphs 1-20
10 as if set forth fully herein.

11 135. QuikOrder admits that Exhibit B appears to be a copy of United States Patent
12 No. 6,871,325 entitled “Information Management and Synchronous Communications System
13 with Menu Generation” (“the ‘325 patent”) and that the document speaks for itself. QuikOrder
14 denies the remaining allegations in paragraph 135.

15 136. QuikOrder is without knowledge or information sufficient to form a belief as to
16 the truth of the allegations in paragraph 136 and therefore denies them.

17 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘325

18 Patent by Defendant Pizza Hut

19 137. The allegations in paragraph 137 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 137 and
22 therefore denies them.

23 138. The allegations in paragraph 138 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 138 and
26 therefore denies them.

27 139. The allegations in paragraph 139 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 139 and
2 therefore denies them.

3 140. The allegations in paragraph 140 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 140 and
6 therefore denies them.

7 141. The allegations in paragraph 141 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 141 and
10 therefore denies them.

11 142. The allegations in paragraph 142 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 142 and
14 therefore denies them.

15 143. The allegations in paragraph 143 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 143 and
18 therefore denies them.

19 144. The allegations in paragraph 144 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 144 and
22 therefore denies them.

23 145. The allegations in paragraph 145 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 145 and
26 therefore denies them.

27 146. The allegations in paragraph 146 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 146 and
2 therefore denies them.

3 147. The allegations in paragraph 147 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 147 and
6 therefore denies them.

7 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘325
8 Patent by Defendant Domino’s

9 148. The allegations in paragraph 148 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 148 and
12 therefore denies them.

13 149. The allegations in paragraph 149 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 149 and
16 therefore denies them.

17 150. The allegations in paragraph 150 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 150 and
20 therefore denies them.

21 151. The allegations in paragraph 151 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 151 and
24 therefore denies them.

25 152. The allegations in paragraph 152 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 152 and
28 therefore denies them.

1 153. The allegations in paragraph 153 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 153 and
4 therefore denies them.

5 154. The allegations in paragraph 154 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 154 and
8 therefore denies them.

9 155. The allegations in paragraph 155 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 155 and
12 therefore denies them.

13 156. The allegations in paragraph 156 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 156 and
16 therefore denies them.

17 157. The allegations in paragraph 157 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 157 and
20 therefore denies them.

21 158. The allegations in paragraph 158 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 158 and
24 therefore denies them.

25 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘325

26 Patent by Defendant Papa John’s

27 159. The allegations in paragraph 159 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 159 and
2 therefore denies them.

3 160. The allegations in paragraph 160 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 160 and
6 therefore denies them.

7 161. The allegations in paragraph 161 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 161 and
10 therefore denies them.

11 162. The allegations in paragraph 162 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 162 and
14 therefore denies them.

15 163. The allegations in paragraph 163 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 163 and
18 therefore denies them.

19 164. The allegations in paragraph 164 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 164 and
22 therefore denies them.

23 165. The allegations in paragraph 165 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 165 and
26 therefore denies them.

27 166. The allegations in paragraph 166 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 166 and
2 therefore denies them.

3 167. The allegations in paragraph 167 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 167 and
6 therefore denies them.

7 168. The allegations in paragraph 168 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 168 and
10 therefore denies them.

11 169. The allegations in paragraph 169 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 169 and
14 therefore denies them.

15 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '325
16 Patent by Defendant OpenTable

17 170. The allegations in paragraph 170 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 170 and
20 therefore denies them.

21 171. The allegations in paragraph 171 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 171 and
24 therefore denies them.

25 172. The allegations in paragraph 172 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 172 and
28 therefore denies them.

1 173. The allegations in paragraph 173 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 173 and
4 therefore denies them.

5 174. The allegations in paragraph 174 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 174 and
8 therefore denies them.

9 175. The allegations in paragraph 175 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 175 and
12 therefore denies them.

13 176. The allegations in paragraph 176 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 176 and
16 therefore denies them.

17 177. The allegations in paragraph 177 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 177 and
20 therefore denies them.

21 178. The allegations in paragraph 178 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 178 and
24 therefore denies them.

25 179. The allegations in paragraph 179 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 179 and
28 therefore denies them.

180. The allegations in paragraph 180 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 180 and therefore denies them.

Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘325 Patent by Defendant GrubHub

181. The allegations in paragraph 181 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 181 and therefore denies them.

182. The allegations in paragraph 182 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 182 and therefore denies them.

183. The allegations in paragraph 183 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 183 and therefore denies them.

184. The allegations in paragraph 184 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 184 and therefore denies them.

185. The allegations in paragraph 185 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 185 and therefore denies them.

186. The allegations in paragraph 186 do not appear to require an answer from QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 186 and
2 therefore denies them.

3 187. The allegations in paragraph 187 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 187 and
6 therefore denies them.

7 188. The allegations in paragraph 188 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 188 and
10 therefore denies them.

11 189. The allegations in paragraph 189 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 189 and
14 therefore denies them.

15 190. The allegations in paragraph 190 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 190 and
18 therefore denies them.

19 191. The allegations in paragraph 191 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 191 and
22 therefore denies them.

23 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘325

24 Patent by Defendant LaughStub

25 192. The allegations in paragraph 192 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 192 and
28 therefore denies them.

1 193. The allegations in paragraph 193 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 193 and
4 therefore denies them.

5 194. The allegations in paragraph 194 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 194 and
8 therefore denies them.

9 195. The allegations in paragraph 195 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 195 and
12 therefore denies them.

13 196. The allegations in paragraph 196 do not appear to require an answer from
14 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
15 information sufficient to form a belief as to the truth of the allegations in paragraph 196 and
16 therefore denies them.

17 197. The allegations in paragraph 197 do not appear to require an answer from
18 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
19 information sufficient to form a belief as to the truth of the allegations in paragraph 197 and
20 therefore denies them.

21 198. The allegations in paragraph 198 do not appear to require an answer from
22 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
23 information sufficient to form a belief as to the truth of the allegations in paragraph 198 and
24 therefore denies them.

25 199. The allegations in paragraph 199 do not appear to require an answer from
26 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
27 information sufficient to form a belief as to the truth of the allegations in paragraph 199 and
28 therefore denies them.

1 200. The allegations in paragraph 200 do not appear to require an answer from
2 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
3 information sufficient to form a belief as to the truth of the allegations in paragraph 200 and
4 therefore denies them.

5 201. The allegations in paragraph 201 do not appear to require an answer from
6 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
7 information sufficient to form a belief as to the truth of the allegations in paragraph 201 and
8 therefore denies them.

9 202. The allegations in paragraph 202 do not appear to require an answer from
10 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
11 information sufficient to form a belief as to the truth of the allegations in paragraph 202 and
12 therefore denies them.

13 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the ‘325

14 Patent by Defendant Exit 41

15 203. The allegations in paragraph 203 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 203 and
18 therefore denies them.

19 204. The allegations in paragraph 204 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 204 and
22 therefore denies them.

23 205. The allegations in paragraph 205 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 205 and
26 therefore denies them.

27 206. The allegations in paragraph 206 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 206 and
2 therefore denies them.

3 207. The allegations in paragraph 207 do not appear to require an answer from
4 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
5 information sufficient to form a belief as to the truth of the allegations in paragraph 207 and
6 therefore denies them.

7 208. The allegations in paragraph 208 do not appear to require an answer from
8 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
9 information sufficient to form a belief as to the truth of the allegations in paragraph 208 and
10 therefore denies them.

11 209. The allegations in paragraph 209 do not appear to require an answer from
12 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
13 information sufficient to form a belief as to the truth of the allegations in paragraph 209 and
14 therefore denies them.

15 210. The allegations in paragraph 210 do not appear to require an answer from
16 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
17 information sufficient to form a belief as to the truth of the allegations in paragraph 210 and
18 therefore denies them.

19 211. The allegations in paragraph 211 do not appear to require an answer from
20 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
21 information sufficient to form a belief as to the truth of the allegations in paragraph 211 and
22 therefore denies them.

23 212. The allegations in paragraph 212 do not appear to require an answer from
24 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
25 information sufficient to form a belief as to the truth of the allegations in paragraph 212 and
26 therefore denies them.

27 213. The allegations in paragraph 213 do not appear to require an answer from
28 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or

1 information sufficient to form a belief as to the truth of the allegations in paragraph 213 and
2 therefore denies them.

3 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '325

4 Patent by Defendant QuikOrder

5 214. QuikOrder denies the allegations in paragraph 214.

6 215. QuikOrder denies the allegations in paragraph 215.

7 216. QuikOrder denies the allegations in paragraph 216.

8 217. QuikOrder denies the allegations in paragraph 217.

9 218. QuikOrder denies the allegations in paragraph 218.

10 219. QuikOrder admits that it had knowledge of the '325 patent by no later than the
11 date it was served with the complaint in this action. QuikOrder denies the remaining allegations
12 in paragraph 219.

13 220. QuikOrder denies the allegations in paragraph 220.

14 221. QuikOrder denies the allegations in paragraph 221.

15 222. QuikOrder admits that it had knowledge of the '325 patent by no later than the
16 date it was served with the complaint in this action. QuikOrder denies the remaining allegations
17 in paragraph 222.

18 223. QuikOrder denies the allegations in paragraph 223.

19 224. QuikOrder denies the allegations in paragraph 224.

20 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '325

21 Patent by Defendant Seamless

22 225. The allegations in paragraph 225 do not appear to require an answer from
23 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
24 information sufficient to form a belief as to the truth of the allegations in paragraph 225 and
25 therefore denies them.

26 226. The allegations in paragraph 226 do not appear to require an answer from
27 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
28 information sufficient to form a belief as to the truth of the allegations in paragraph 226 and

1 therefore denies them.

2 227. The allegations in paragraph 227 do not appear to require an answer from
3 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
4 information sufficient to form a belief as to the truth of the allegations in paragraph 227 and
5 therefore denies them.

6 228. The allegations in paragraph 228 do not appear to require an answer from
7 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
8 information sufficient to form a belief as to the truth of the allegations in paragraph 228 and
9 therefore denies them.

10 229. The allegations in paragraph 229 do not appear to require an answer from
11 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
12 information sufficient to form a belief as to the truth of the allegations in paragraph 229 and
13 therefore denies them.

14 230. The allegations in paragraph 230 do not appear to require an answer from
15 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
16 information sufficient to form a belief as to the truth of the allegations in paragraph 230 and
17 therefore denies them.

18 231. The allegations in paragraph 231 do not appear to require an answer from
19 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
20 information sufficient to form a belief as to the truth of the allegations in paragraph 231 and
21 therefore denies them.

22 232. The allegations in paragraph 232 do not appear to require an answer from
23 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
24 information sufficient to form a belief as to the truth of the allegations in paragraph 232 and
25 therefore denies them.

26 233. The allegations in paragraph 233 do not appear to require an answer from
27 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
28 information sufficient to form a belief as to the truth of the allegations in paragraph 233 and

1 therefore denies them.

2 234. The allegations in paragraph 234 do not appear to require an answer from
3 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
4 information sufficient to form a belief as to the truth of the allegations in paragraph 234 and
5 therefore denies them.

6 235. The allegations in paragraph 235 do not appear to require an answer from
7 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
8 information sufficient to form a belief as to the truth of the allegations in paragraph 235 and
9 therefore denies them.

10 Direct Infringement, Inducing Infringement, and Contributing to Infringement of the '325

11 Patent by Defendant Onosys

12 236. The allegations in paragraph 236 do not appear to require an answer from
13 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
14 information sufficient to form a belief as to the truth of the allegations in paragraph 236 and
15 therefore denies them.

16 237. The allegations in paragraph 237 do not appear to require an answer from
17 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
18 information sufficient to form a belief as to the truth of the allegations in paragraph 237 and
19 therefore denies them.

20 238. The allegations in paragraph 238 do not appear to require an answer from
21 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
22 information sufficient to form a belief as to the truth of the allegations in paragraph 238 and
23 therefore denies them.

24 239. The allegations in paragraph 239 do not appear to require an answer from
25 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
26 information sufficient to form a belief as to the truth of the allegations in paragraph 239 and
27 therefore denies them.

28 240. The allegations in paragraph 240 do not appear to require an answer from

1 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
2 information sufficient to form a belief as to the truth of the allegations in paragraph 240 and
3 therefore denies them.

4 241. The allegations in paragraph 241 do not appear to require an answer from
5 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
6 information sufficient to form a belief as to the truth of the allegations in paragraph 241 and
7 therefore denies them.

8 242. The allegations in paragraph 242 do not appear to require an answer from
9 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
10 information sufficient to form a belief as to the truth of the allegations in paragraph 242 and
11 therefore denies them.

12 243. The allegations in paragraph 243 do not appear to require an answer from
13 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
14 information sufficient to form a belief as to the truth of the allegations in paragraph 243 and
15 therefore denies them.

16 244. The allegations in paragraph 244 do not appear to require an answer from
17 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
18 information sufficient to form a belief as to the truth of the allegations in paragraph 244 and
19 therefore denies them.

20 245. The allegations in paragraph 245 do not appear to require an answer from
21 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
22 information sufficient to form a belief as to the truth of the allegations in paragraph 245 and
23 therefore denies them.

24 246. The allegations in paragraph 246 do not appear to require an answer from
25 QuikOrder. However, to the extent an answer is required, QuikOrder is without knowledge or
26 information sufficient to form a belief as to the truth of the allegations in paragraph 246 and
27 therefore denies them.
28

PRAYER FOR RELIEF

QuikOrder denies that Ameranth is entitled to any of the relief requested in Nos. 1-9 of Ameranth's Prayer for Relief.

II. AFFIRMATIVE DEFENSES

Further responding to the Complaint, QuikOrder asserts the following defenses, without admitting any allegations of the Complaint not otherwise admitted and without assuming any burden where such burden would otherwise be on Ameranth.

**First Affirmative Defense
(Non-Infringement)**

1. QuikOrder has not infringed and is not infringing, directly or indirectly, literally or under the doctrine of equivalents, any valid claim of the '850 patent or the '325 patent. QuikOrder's product does not have each of the limitations in any of the asserted claims. For example, QuikOrder does not have a central database or a handheld computing device as required by the claims.

**Second Affirmative Defense
(Invalidity)**

2. One or more of the claims of the '850 patent or the '325 patent is invalid for failing to meet the conditions for patentability as set forth in one or more sections of Title 35 of the U.S. Code, including without limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112 for one or more of the reasons specified in Defendants' Preliminary Invalidity Contentions served on Ameranth on June 18, 2012. (Attached as **Exhibit A.**) For example, the asserted patents are invalid because they are not patentable subject matter under the requirements of 35 U.S.C. § 101. Further, the asserted claims of the patents-in-suit are invalid under at least 35 U.S.C. §§ 102 and 103 in light of at least U.S. Pat. No. 6,208,976, U.S. Pat. No. 6,341,268 and U.S. Pat. No. 7,966,215, each of which discloses every element of each asserted claim. The asserted claims of the patents-in-suit are invalid for failure to satisfy the written disclosure, enablement and best mode requirements of 35 U.S.C. § 112, including but not limited to the terms "application program interface," "a communication control module," synchronous communication," etc., as

1 explained in Defendants' Preliminary Invalidity Contentions.

2
3 **Third Affirmative Defense**
(Unenforceability)

4 3. One or more of the claims of the '850 patent or the '325 patent is unenforceable.

5
6 **Fourth Affirmative Defense**
(Estoppel)

7 4. Ameranth's claims are barred in whole or in part under the doctrine of estoppel.

8
9 **Fifth Affirmative Defense**
(Laches and Equitable Estoppel)

10 5. Ameranth's claims are barred and any purported damages are limited by the
11 equitable doctrines of Laches and Equitable Estoppel.

12
13 **Sixth Affirmative Defense**
(Limitations on Damages and Costs)

14 6. Ameranth's claims for damages and costs are statutorily limited by 35 U.S.C. §§
15 286, 287, and 288.

16 7. This case is exceptional pursuant to 35. U.S.C. § 285, and QuikOrder is entitled to
17 an award for its reasonable attorneys' fees, expenses and costs incurred in this action.

18 8. QuikOrder expressly reserves the right to assert any other legal or equitable
19 defenses to which it is entitled.

20 **III. COUNTERCLAIMS**

21 QuikOrder brings these counterclaims for declaratory judgment, without admitting any
22 allegation of the Complaint not otherwise admitted and without assuming the burden of proof that
23 would otherwise be on Ameranth. In support of its counterclaims, QuikOrder alleges as follows:

24 1. On September 13, 2011, Ameranth brought an action against QuikOrder for
25 infringement of U.S. Patent Nos. 6,384,850 ("the '850 patent") and 6,871,325 ("the '325 patent").
26 QuikOrder brings this counterclaim for declaratory judgment that the '850 patent and the '325
27 patent, and each claim thereof, are not infringed and are invalid and/or unenforceable.
28

THE PARTIES

2. QuikOrder, Inc. ("QuikOrder") is an Illinois corporation having a principal place of business at 351 W. Hubbard St., Suite 501, Chicago, Illinois, 60654.

3. On information and belief, Ameranth, Inc. ("Ameranth") is a Delaware corporation based in San Diego, California and having a principal place of business at 5820 Oberlin Drive, Suite 22, San Diego California.

JURISDICTION AND VENUE

4. This Counterclaim arises under the patent laws of the United States, 35 U.S.C. § 101 *et seq.* and under the declaratory judgments laws of the United States, 28 U.S.C. §§ 2201 and 2202.

5. Jurisdiction of this counterclaim arises under 28 U.S.C. §§ 2201 and 2202 and under 28 U.S.C. § 1338(a).

6. By virtue of Ameranth's action for infringement of the '850 patent and the '325 patent, filed September 13, 2011 in the Southern District California, a justiciable controversy exists between QuikOrder and Ameranth concerning the validity and scope of Ameranth's alleged rights with respect to the '850 patent and the '325 patent.

7. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400.

8. Ameranth is subject to personal jurisdiction in this District.

FIRST COUNTERCLAIM
(Declaratory Judgment Of Noninfringement)

9. QuikOrder incorporates by reference paragraphs 1 through 8 of this Counterclaim as if fully set forth herein.

10. There is an actual, substantial, and continuing justiciable case or controversy between QuikOrder and Ameranth regarding, *inter alia*, noninfringement of the '850 patent and the '325 patent.

11. QuikOrder has not infringed and is not infringing, directly or indirectly, literally or under the doctrine of equivalents, any claim of the '850 patent or the '325 patent. QuikOrder's product does not have each of the limitations in any of the asserted claims. For example,

1 QuikOrder does not have a central database or a handheld computing device as required by the
2 claims.

3 12. QuikOrder is entitled to a declaratory judgment that QuikOrder has not infringed
4 and is not infringing, directly or indirectly, any claim of the '850 patent or the '325 patent.

5
6 **SECOND COUNTERCLAIM**
(Declaratory Judgment Of Invalidity)

7 13. QuikOrder incorporates by reference paragraphs 1-12 of this Counterclaim as if
8 fully set forth herein.

9 14. There is an actual, substantial, and continuing justiciable case or controversy
10 between QuikOrder and Ameranth regarding, *inter alia*, invalidity of the '850 patent and the '325
11 patent.

12 15. The claims of the '850 and '325 patents are invalid under one or more sections of
13 Title 35 of the U.S. Code, including without limitation, 35 U.S.C. §§ 101, 102, 103 and/or 112 for
14 one or more of the reasons specified in Defendants' Preliminary Invalidity Contentions served on
15 Ameranth on June 18, 2012. (Attached as **Exhibit A.**) For example, the asserted patents are
16 invalid because they are not patentable subject matter under the requirements of 35 U.S.C. § 101.
17 Further, the asserted claims of the patents-in-suit are invalid under at least 35 U.S.C. §§ 102 and
18 103 in light of at least U.S. Pat. No. 6,208,976, U.S. Pat. No. 6,341,268 and U.S. Pat. No.
19 7,966,215, each of which discloses every element of each asserted claim. The asserted claims of
20 the patents-in-suit are invalid for failure to satisfy the written disclosure, enablement and best
21 mode requirements of 35 U.S.C. § 112, including but not limited to the terms "application
22 program interface," "a communication control module," synchronous communication," etc., as
23 explained in Defendants' Preliminary Invalidity Contentions.

24 16. QuikOrder is entitled to a declaratory judgment that the '850 patent and the '325
25 patent, and each claim thereof, are invalid.

26 **PRAYER FOR RELIEF**

27 **WHEREFORE**, Defendant and Counter-Plaintiff QuikOrder, Inc. respectfully request
28 that this Court enter judgment in its favor and against Plaintiff and Counter-Defendant Ameranth,

1 Inc. as follows:

2 A. Declare that QuikOrder has not infringed and is not infringing, directly or
3 indirectly, literally or under the doctrine of equivalents, any claim of the '850 patent or the
4 '325 patent;

5 B. Declare that each claim of the '850 patent and the '325 patent is invalid;

6 C. Declare that the '850 patent and the '325 patent are unenforceable against
7 QuikOrder;

8 D. Declare that Ameranth is not entitled to any damages, interest, costs,
9 attorney fees or other relief from or against QuikOrder;

10 E. Declare that this is an "exceptional case" within the meaning of 35 U.S.C.
11 § 285, and award QuikOrder reasonable attorneys fees, expenses and costs in this action;
12 and

13 F. Grant such other and further relief as the Court deems just and proper.
14

15 Dated: July 17, 2012

SCHIFF HARDIN LLP

17 By: /s/ George C. Yu

18 George C. Yu
19 Attorneys for Defendant
20 QuikOrder, Inc.
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CERTIFICATE OF SERVICE

I hereby certify that, on July 17, 2012, the foregoing document was filed via the Case Management/Electronic Case Filing (CM/ECF) system, and was served on all parties via the automated generation and e-mailing of a Notice of Electronic Filing (NEF) by the CM/ECF system to counsel for all parties.

/s/ George C. Yu
George C. Yu
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